



WEB COPY



(T)OP(TM)/227/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

**(T)OP(TM)/227/2023**  
**(ORA/101/2016/TM/CH)**

ITC Limited,  
Virginia House,  
37, Hawaharlal Nehru Road,  
Kolkata - 700 071.

... Petitioner

-VS-

1.VST Industries Limited,  
Azamabad,  
Hyderabad - 500 020,  
Registered Proprietor.

2.The Registrar of Trademarks,  
Trademarks Registry,  
Chennai.

... Respondents

**PRAYER:** Transfer Original Petition (Trademarks) filed under Sections 9, 11, 12, 18, 47, 57 and other Sections of the Trademarks Act, 1999, pleased to allow the rectification application by removing / expunging the entry relating to 403791 in Class 34 be from the Register of Trademarks and awarding costs of these proceedings be awarded to the applicant.

For Petitioner : Mr.K.Premchander

For Respondent 1 : Mr.Dwarakesh Prabhakaran  
for M/s.De Penning and De Penning



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**SENTHILKUMAR RAMAMOORTHY,J**

rna

For Respondent 2 : Mr.Rajesh Vivekanandan,  
Deputy Solicitor General of India  
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**ORDER**

The petitioner seeks rectification of the Register of Trademarks as regards Trademark No.403791 in class 34. The first respondent has filed a memo dated 07.07.2023 stating that the said respondent does not have any objection to this Court allowing the rectification petition.

2. In view of the above memo, this rectification petition is allowed. Consequently, the second respondent is directed to take necessary steps to remove the entry relating to Trademark No.403791 in class 34 from the Register of Trademarks. This exercise shall be completed within a period of *four weeks* from the date of receipt of a copy of this order. There will be no order as to costs.

**07.07.2023  
(1/3)**

rna

Index : Yes / No

Internet : Yes / No

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**(ORA/101/2016/TM/CH)**